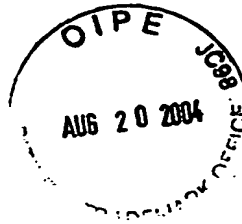


DOCKET NO: 201673US20PCT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
ROBERT E. ROUQUETTE : EXAMINER: WANG, T.
SERIAL NO: 09/720,270 :
FILED: FEBRUARY 23, 2001 : GROUP ART UNIT: 2634
FOR: NARROW-BAND INTERFACE :
REJECTING SPREAD SPECTRUM
RADIO SYSTEM AND METHOD

RECEIVED

AUG 25 2004

Technology Center 2600

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated February 20, 2004, Applicant provisionally elects with traverse the Species I invention identified in the outstanding Office Action, and adopts the Examiner's suggestion that Claims 1-13, 25-37, 49-50 and 1/52-13/52 correspond to the elected species, for further examination on the merits. Applicant reserves the right to file one or more divisional applications directed to the non-elected species.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct species, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

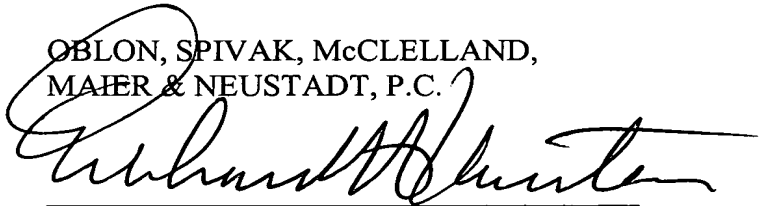
Although the outstanding Official Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may

be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicant respectfully traverses the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicant to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-52 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

I:\ATTY\EHK\AMEND-RESPONSES\201673US-PE.DOC